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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 M. JASON MAJORS,

12 Plaintiff,

13 vs.

14 TRANSPORTATION SECURITY
15 ADMINISTRATION, DELTA AIR LINES,
16 INC., and SAN DIEGO REGIONAL
AIRPORT AUTHORITY,

Defendants.

CASE NO. 08-CV-2032-IEG (POR)

**ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

[Doc. No. 35.]

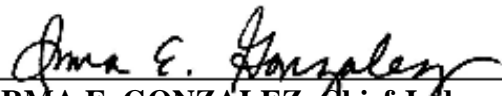
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18 Presently before the Court is Plaintiff's motion to dismiss his first amended complaint. (Doc.
19 No. 35.) Plaintiff specifically requests that the Court dismiss his complaint "against Defendant San
20 Diego County Regional Airport Authority and Delta Air Lines, Inc." and asks "that this matter be
21 closed." (Motion at 1.) Plaintiff's motion makes no mention of whether he wishes to dismiss his
22 claim against the Transportation Security Administration. However, because Plaintiff has requested
23 the case be closed, and because no defendant has filed an answer or a motion for summary judgment,
24 the Court construes Plaintiff's motion as a notice of dismissal of his claim against all three defendants
25 pursuant to Fed. R. Civ. P. 41(a).¹
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27 ¹ Fed. R. Civ. P. 41 (2009) provides: "(a) Voluntary Dismissal. [¶] (1) By the Plaintiff. [¶]
28 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal
statute, the plaintiff may dismiss an action without a court order by filing: [¶] (i) a notice of dismissal
before the opposing party serves either an answer or a motion for summary judgment"

1 If Plaintiff believes the Court has reached this conclusion in error, he shall file an amended
2 notice of dismissal **on or before May 11, 2009** clearly indicating whether he intends to pursue his
3 case against the Transportation Security Administration. If Plaintiff does not file an amended
4 dismissal notice, the Clerk shall terminate this case as to all three defendants, pursuant to Plaintiff's
5 original dismissal notice.

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7 **IT IS SO ORDERED.**

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9 **DATED: April 29, 2009**

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11 **IRMA E. GONZALEZ, Chief Judge**
12 **United States District Court**
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